

House Bill 785

By: Representative Hudson of the 124th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Board of Commissioners of Hancock County, approved
2 October 5, 1885 (Ga. L. 1884-85, p. 435), as amended, so as to consolidate the amendatory
3 Acts into one Act and to modernize and update such Act; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act creating the Board of Commissioners of Hancock County, approved October 5, 1885
8 (Ga. L. 1884-85, p. 435), as amended, is amended by striking Sections I through XI of the
9 Act and inserting in lieu thereof the following:

10 "SECTION 1.

11 (a) The Board of Commissioners of Hancock County which exists on the effective date
12 of this Act is continued in existence but on and after the effective date of this Act shall be
13 constituted as provided in this Act. The Board of Commissioners of Hancock County so
14 continued and constituted, sometimes referred to in this Act as the 'board,' shall continue
15 to have the powers, duties, rights, obligations, and liabilities of the Board of
16 Commissioners of Hancock County as it existed immediately prior to the effective date of
17 this Act and shall be subject to all constitutional and statutory provisions relating to boards
18 of county commissioners not in conflict with this Act.

19 (b) The board shall consist of five members who shall be elected from commissioner
20 districts described in subsection (c) of this section except for the chairperson who shall be
21 elected at large as provided in subsection (e) of this section.

22 (c) For purposes of electing members of the board, other than the chairperson, Hancock
23 County is divided into four commissioner districts. One member of the board shall be
24 elected from each such district. Those districts shall consist of the following described
25 territory of Hancock County:

Commissioner District: 1

HANCOCK COUNTY

VTD: 0001 SPARTA (Part)

Tract: 9802.

Block(s): 168, 169, 170, 175, 177, 178, 183, 185, 186,
187, 188B, 188C, 189B, 407B, 408A, 408B, 409,
410, 411, 412, 419B, 420B, 450, 451, 452, 453, 454,
455

Tract: 9803.

Block(s): 105

VTD: 0002 DEVEREUX (Part)

Tract: 9802.

Block(s): 179, 180, 181, 182, 184

Tract: 9803.

Block(s): 101, 102, 103, 104, 106, 107, 108, 123, 124,
125, 126, 128, 129, 130, 131, 132, 133, 134, 135,
136, 137, 138, 139, 140, 141, 142, 143, 144, 145,
146, 147, 148, 149, 150, 151, 152, 153, 154, 155,
156, 164, 165, 166, 167, 168, 169, 170, 171, 172,
173, 174, 175, 176, 177, 178, 179, 180, 181, 182,
183, 184, 185, 186, 187, 188, 189, 190, 191, 192,
193, 194, 195, 196, 197

Tract: 9804.

Block(s): 119, 120, 121, 122, 123, 124, 125, 126, 127

Commissioner District: 2

HANCOCK COUNTY

VTD: 0001 SPARTA (Part)

Tract: 9801.

Block(s): 163, 164, 165, 166, 167, 168, 169, 179, 180,
185, 186, 187

Tract: 9802.

Block(s): 160, 161, 162, 165, 166, 167, 188A, 189A,
190B, 190C, 191, 192A, 192B, 193, 201, 202, 203,
205, 206, 207, 208, 209, 210, 211, 212, 213, 215,
216, 313A, 317, 318, 319, 320, 321, 322, 323, 324,
325, 326, 327, 328A, 328B, 329, 330, 332, 333, 334,

1 335, 343, 344, 404, 405, 406, 407A, 413, 414, 415,
2 416, 417, 418, 419A, 420A, 421, 422, 424, 425, 426,
3 427, 428, 429, 430, 431, 432, 433, 434, 435, 436,
4 437, 438, 439, 440, 441, 442, 443A, 443B, 444A,
5 444B, 445, 446, 449, 456

6 VTD: 0002 DEVEREUX (Part)

7 Tract: 9802.

8 Block(s): 340, 341, 342, 345, 347, 457, 458

9 Tract: 9803.

10 Block(s): 109, 110, 111, 112, 121, 122, 127, 157, 158,
11 159, 160, 161, 162, 163

12 Tract: 9804.

13 Block(s): 115, 116

14 VTD: 0003 LINTON (Part)

15 Tract: 9802.

16 Block(s): 336, 337, 338, 339, 346, 348, 349, 383, 385,
17 386, 387, 390, 391, 392, 393, 394, 396, 397, 447,
18 448

19 Tract: 9803.

20 Block(s): 113, 114, 115, 116, 117, 118, 119, 120

21 Tract: 9804.

22 Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109,
23 110, 111, 112, 113, 114, 117, 118, 128, 129, 130,
24 131, 132, 133, 134, 135, 136, 137, 138, 139, 140,
25 141, 142, 143, 144, 145, 146, 147, 148, 149, 150,
26 151, 152, 153, 154, 155, 156, 157, 158, 159, 160,
27 161, 162, 163, 164, 165, 166, 167, 168, 169, 170,
28 171, 172, 173, 174, 175, 176, 177, 178, 179, 180

29 VTD: 0004 MAYFIELD-JEWELL (Part)

30 Tract: 9801.

31 Block(s): 148, 149, 150, 151, 152, 153, 154, 155, 156,
32 157, 158, 159, 160, 161, 162, 170, 171, 172, 173,
33 174, 177, 178, 222, 223, 231, 232

34 Commissioner District: 3

35 HANCOCK COUNTY

36 VTD: 0001 SPARTA (Part)

1 Tract: 9801.
 2 Block(s): 181, 182, 242, 243, 244, 248, 249, 250, 251,
 3 252, 253, 254, 255
 4 Tract: 9802.
 5 Block(s): 147, 148, 149, 157A, 158, 159, 171, 172,
 6 173, 174, 176, 303, 372
 7 VTD: 0002 DEVEREUX (Part)
 8 Tract: 9802.
 9 Block(s): 141, 142, 143, 144, 194, 195
 10 VTD: 0003 LINTON (Part)
 11 Tract: 9802.
 12 Block(s): 376
 13 VTD: 0004 MAYFIELD-JEWELL (Part)
 14 Tract: 9801.
 15 Block(s): 124, 125, 126, 127, 128, 129, 130, 131, 132,
 16 133, 134, 135, 136, 137, 138, 139, 140, 141, 142,
 17 143, 144, 145, 146, 147, 175, 176, 188, 189, 201,
 18 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,
 19 212, 213, 214, 215, 216, 217, 218, 219, 220, 221,
 20 224, 225, 226, 227, 228, 229, 230, 233, 234, 235,
 21 236, 237, 238, 239, 240, 241, 245, 246, 247
 22 VTD: 0005 MT. ZION
 23 VTD: 0006 SPRINGFIELD

24 Commissioner District: 4

25 HANCOCK COUNTY

26 VTD: 0001 SPARTA (Part)
 27 Tract: 9801.
 28 Block(s): 183, 184
 29 Tract: 9802.
 30 Block(s): 190A, 204A, 204B, 204C, 214A, 214B, 217,
 31 218, 219A, 219B, 220, 221, 222A, 222B, 223, 224A,
 32 224B, 225A, 225B, 226, 227A, 227B, 228, 229,
 33 230, 231, 232, 233, 234, 235, 301, 302, 304, 305,
 34 306, 307, 308, 309, 310, 311, 312, 313B, 314, 315,
 35 316, 331, 351, 352, 353, 354, 355, 356, 357, 358,
 36 359, 360, 369, 370, 371, 401, 402, 403, 423

VTD: 0003 LINTON (Part)

Tract: 9802.

Block(s): 350, 361, 362, 363, 364, 365, 366, 367, 368,

373, 374, 375, 377, 378, 379, 380, 381, 382, 384,

388, 389, 395

(d) For purposes of subsection (c) of this section:

(1) The terms 'Tract,' 'Block,' and 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1990 for the State of Georgia;

(2) The term 'Precinct' is synonymous with the term 'voting precinct' and means a geographical area designated by Article 7 of Chapter 2 or 3 of Title 21 of the O.C.G.A. within which all electors vote at one polling place;

(3) Whenever the description of any commissioner district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 1990 for the State of Georgia;

(4) Precinct names and designations following VTD designations are included for convenience only; and in the event that the description of any commissioner district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control;

(5) Any part of Hancock County which is not included in any commissioner district described in subsection (c) of this section shall be included within that commissioner district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia; and

(6) Any part of Hancock County which is described in subsection (c) of this section as being included in a particular commissioner district shall nevertheless not be included within such commissioner district if such part is not contiguous to such commissioner district. Such noncontiguous part shall instead be included within that commissioner district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.

(e) In order to be elected as a member of the board from a commissioner district, a person shall have resided in that district for at least 12 months prior to election thereto and shall receive a majority of the votes cast for that office in that commissioner district only and not at large. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the

1 commissioner district for which that person is a candidate. A person elected as a member
2 of the board from a commissioner district shall continue to reside in that district during that
3 person's term of office or that office shall become vacant. The chairperson of the board
4 may reside anywhere within Hancock County and shall receive a majority of the votes cast
5 for such office in all of Hancock County. The chairperson shall continue to reside within
6 Hancock County during that person's term of office or that office shall become vacant.

7 (f) Successors to members of the Board of Commissioners of Hancock County in office
8 on the effective date of this Act shall be elected at the state-wide November general
9 election in 2008 for a term of four years to begin on January 1, 2009, and which shall
10 expire on December 31, 2012. Successors to such members whose terms are to expire shall
11 be elected at the state-wide general election immediately preceding the expiration of such
12 terms, shall take office the first day of January immediately following that election, and
13 shall serve terms of office of four years. Members of the board shall serve for the terms
14 of office specified in this section and until their respective successors are elected and
15 qualified.

16 (g) All members of the board shall be nominated and elected in accordance with Chapter
17 3 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

18 (h) In the event of any vacancy in any office of the board of commissioners, when such
19 vacancy occurs at least 60 days before the first general election occurring within the term
20 of the office which is vacant, the judge of the probate court of the county shall appoint
21 someone from that commissioner district to fill such vacancy until a successor is elected
22 and qualified in such first general election to serve out such unexpired term. When a
23 vacancy occurs after such 60 days, the judge of the probate court of the county shall
24 appoint someone from that commissioner district to serve out the unexpired term of the
25 office which is vacant.

26 (i) Any member of the board of county commissioners shall be removed from office upon
27 conviction in any court of competent jurisdiction of treason against the state, embezzlement
28 of public funds, malfeasance in office, bribery, larceny, or any crime involving moral
29 turpitude punishable by the laws of this state with imprisonment in the penitentiary. Upon
30 such final conviction, the office of such member shall be vacated immediately without
31 further action.

32 SECTION 2.

33 No person shall be competent to serve on such board until he or she shall take the following
34 oath of office, which shall be administered by the judge of the Probate Court of Hancock
35 County or a judge of the Superior Court of Hancock County: 'You and each of you do
36 solemnly swear that you will faithfully discharge the duties of a member of the Board of

Commissioners of Hancock County, and in all matters which require your official action, you will so act as in your judgment will be most conducive to the welfare and prosperity of the entire county,' which oath shall be recorded in the minutes of the board and subscribed to by such person.

SECTION 3.

The Board of Commissioners of Hancock County shall hold at least two meetings each month, such meetings to be held during the first and third weeks of each month, and shall keep a record of their proceedings and shall submit the same to the inspection of the grand jury at each regular term of the superior court. The board may hold special sessions, besides the regular monthly sessions, whenever the interests of the county demand it. The clerk of the superior court shall be ex officio clerk of the board and shall receive the same fees for his or her services rendered now allowed by law for recording proceedings of the superior court, to be paid on the order of the board.

SECTION 4.

The board, when sitting for county purposes, shall have exclusive jurisdiction over the following subject matters:

- (1) In governing and controlling all county property as they may deem best according to law and letting, hiring, or farming out the county convicts of such county;
- (2) In levying taxes for county purposes in accordance with law;
- (3) In examining, auditing, allowing, and settling all claims against the county;
- (4) In examining and auditing the accounts of all officers or persons having the care, management, keeping, collecting, or disbursement of money belonging to the county or appropriated for its use and bringing them to a settlement;
- (5) In making such rules and regulations for the support of the paupers and the promotion of health in the county as are not inconsistent with the laws of this state;
- (6) In establishing, altering, abolishing, and opening roads, bridges, and ferries in accordance with law;
- (7) In granting or refusing to grant licenses to sell spirituous liquors in the county in their discretion according to law; and
- (8) In the appointment of road commissioners and in the general management of the roads, bridges, and revenues of the county and to exercise all the power over county officers in such county.

SECTION 5.

The county shall not disburse nor pay out any of the funds in the county treasury unless authorized by the board of commissioners.

SECTION 6.

(a) The chairperson of the Board of Commissioners of Hancock County shall devote his or her full time to the duties of the office. The chairperson shall be the administrative and executive officer of the board. All five members of the board, however, shall have an equal vote in all matters pertaining to the affairs of Hancock County. This shall include, but not be limited to, the power to hire, appoint, discipline, and discharge all county employees. The decision as to whether to hire, appoint, discipline, or discharge a county employee shall be determined by a majority vote of the members of the Hancock County Board of Commissioners. The chairperson of the Hancock County Board of Commissioners shall not have the unilateral authority to hire, appoint, discipline, or discharge county employees.

(b)(1) The chairperson shall carry out, execute, and enforce the ordinances, policies, rules, and regulations of the Hancock County Board of Commissioners when such ordinances, policies, rules, and regulations are enacted by a majority of the members of the Hancock County Board of Commissioners. No single member of the board shall, directly or indirectly, order, instruct, or otherwise attempt to control the actions of county personnel as such actions shall be subject to the administrative and supervisory control of a majority of the members of the Hancock County Board of Commissioners.

(2) Subject to the approval of the board, the chairperson shall have the power to change, consolidate, or abolish any departments, agencies, or offices over which the chairperson exercises supervision and control. Subject to the approval of the board, the chairperson may create other departments, agencies, or offices, which departments, agencies, or offices, when created, shall be under the supervision and control of the chairperson.

(c)(1) The chairperson and other members of the board of commissioners shall be compensated as follows:

(A) The person serving as chairperson of the board of commissioners shall receive a base annual salary of \$30,000.00;

(B) Each member of the board of commissioners, other than the chairperson, shall receive a base annual salary of \$4,500.00; and

(C) The chairperson shall receive an expense allowance of \$1,500.00 per annum, and the other members of the board shall receive an expense allowance of \$300.00 per annum.

(2) Beginning on January 1, 1999, and continuing thereafter, in any year that the sheriff of Hancock County receives a cost-of-living increase or general performance based

1 increase of a certain percentage or a certain amount pursuant to the provisions of
2 paragraph (2) of subsection (a) of Code Section 15-16-20 of the O.C.G.A., the amount
3 of the effective base annual salaries provided in paragraphs (A) and (B) of paragraph (1)
4 of this subsection, plus any previous cost-of-living increase in salaries received by such
5 persons serving as chairperson or members of the board pursuant to the provisions of this
6 paragraph, shall be increased by the same such percentage or same such amount
7 applicable to the sheriff. Such increase in salaries shall become effective on the same
8 date that the increase to which the sheriff is entitled to becomes effective.

9 (3) The salary amounts provided in paragraph (1) of this subsection as increased by
10 paragraph (2) of this subsection shall be increased for each member by multiplying such
11 amounts by the percentage which equals 5 percent times the number of completed
12 four-year terms of office served by such person as a member of the board of
13 commissioners after December 31, 1983, effective the first day of January following the
14 completion of each such period of service.

15 (d) All checks of the county must bear the signatures of three commissioners serving on
16 the Hancock County Board of Commissioners. The chairperson of the Hancock County
17 Board of Commissioners shall not be required to be a signer.

18 SECTION 7.

19 (a) It shall be the duty of the Board of Commissioners of Hancock County to have annual
20 certified audits conducted of the financial affairs, books, and records of Hancock County.
21 Such certified audits shall be made in accordance with the generally accepted auditing and
22 accounting procedures as recognized by the Georgia Society of Certified Public
23 Accountants and the American Institute of Certified Public Accountants. The person or
24 persons making such audits shall be a member or members of, and in good standing with,
25 the Georgia Society of Certified Public Accountants and the American Institute of Certified
26 Public Accountants.

27 (b) The auditor so employed shall make the audits provided for herein in accordance with
28 generally accepted accounting procedures and principles and shall submit a complete and
29 final report and audit to the board of commissioners by not later than 60 days after the close
30 of the fiscal year of Hancock County. All audits provided for herein shall be certified to
31 include and shall include, but shall not be limited to, a full and complete audit containing
32 a balance sheet, profit and loss statement, a detailed statement of all receipts and
33 disbursements, and a statement showing all indebtedness of the county and its departments
34 and agencies. Such audit shall, in addition to showing a complete audit on a county basis,
35 contain a separate audit for each department and agency of the county government. In the
36 statement of receipts and disbursements, such auditor shall list the names of the persons,

1 firms, or corporations who received a total of \$100.00 or more during the preceding quarter
2 and fiscal year and also the purpose or purposes for which such amounts were disbursed.
3 Should such auditor discover any violation of the laws of Georgia or any irregularities in
4 any of the finances or accounts of the county or its departments or agencies, it shall be the
5 duty of the auditor to immediately report such violation or irregularity to the board of
6 commissioners and to the grand jury then in session, or if no grand jury is in session, then
7 to the first grand jury convened after such violations or irregularities are discovered.

8 (c) All audits as provided for herein shall be reproduced in sufficient number, and five
9 copies shall be delivered and filed with the clerk of the Superior Court of Hancock County,
10 and such copies shall be maintained in the clerk's office for public inspection. The office
11 of the board of commissioners and the records maintained therein shall be open to
12 inspection by the public during normal office hours.

13 (d) All expenditures in excess of \$100.00 shall be published in the legal organ of Hancock
14 County within 60 days after the close of each quarter in the fiscal year. The list of
15 expenditures shall show:

16 (1) The date, voucher number, and amount of each expenditure;

17 (2) The name of the person, firm, or corporation receiving the disbursements; and

18 (3) The purposes for which the funds were disbursed.

19 All annual audits shall be published in the legal organ of Hancock County within 90 days
20 after the end of the fiscal year.

21 (e) The compensation of such auditor shall be fixed by agreement between the board of
22 commissioners and the auditor selected to make such audit. Such compensation shall be
23 payable from the funds of Hancock County.

24 (f) Any other provisions of this section to the contrary notwithstanding, all receipts and
25 disbursements of \$50.00 or more shall be verified by the auditor; all receipts and
26 disbursements from \$5.00 to \$50.00 need not be verified and may be listed as uncertified;
27 and all receipts and disbursements of less than \$5.00 may be combined and listed under
28 miscellaneous receipts and disbursements, as the case may be, without verification.

29 SECTION 8.

30 All official oaths and official bonds required by law to be taken and executed by the judge
31 of the probate court, sheriff, tax commissioner, and coroner of the county shall be approved
32 by such board, or a majority of board members, and filed in their office and recorded in a
33 book of official bonds kept by them for that purpose after having been executed before and
34 attested by the clerk of such board or the judge of the probate court of the county or a judge
35 of the Superior Court of Hancock County.

SECTION 9.

In all matters pending before such board requiring official investigation, the board shall have the same power to summon witnesses, administer oaths, procure documentary evidence, compel the attendance of witnesses, and punish for contempt as other courts of record in this state."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.